

"Express Mail" Label No. EL 889371979 US  
Date of Deposit March 17, 2003



Attorney Docket No. 019232-00010US

TECH CENTER 1600/2900

MAR 25 2003

RECEIVED  
PATENT

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

By: Maisie C. Livengood  
Maisie C. Livengood

#17  
01/09/03  
3-29-03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

BARRETT et al.

Application No.: 09/675,525

Filed: September 29, 2000

For: COMPOUNDS DISPLAYED ON  
REPLICABLE GENETIC PACKAGES  
AND METHODS OF USING SAME

Examiner: Friend, Tomas H.F.

Art Unit: 1639

AMENDMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement mailed January 16, 2003, Applicants respectfully request entry of the remarks set forth in this response. The original deadline for filing a response was February 16, 2003. A petition for a one month extension of time is enclosed, thus extending the deadline until March 16, 2003, which, because it is a Sunday, further extends the deadline until March 17, 2003. Accordingly this response is timely filed.

RESPONSE TO RESTRICTION REQUIREMENT

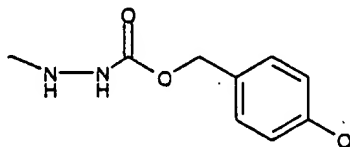
In response to the Restriction Requirement, Applicants elect the claims of Group I, namely claims 1-44, without traverse.

RESPONSE TO SPECIES ELECTION REQUIREMENT

If, as here, the claims of Group I are elected, the Examiner further requires a species election with regard to four elements. In response, the following species are provisionally elected:

1. Species of displaying. A specific linker and binding pair are requested.

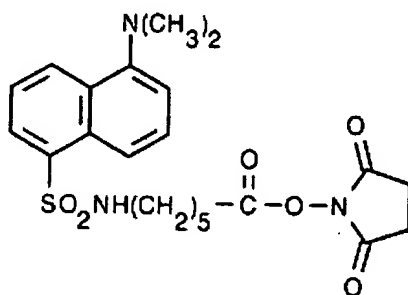
With regard to the linker, the aldehyde/hydrazide linker illustrated in FIG. 5, second line, is elected, specifically:



Claims 1-9, 11-12, 20-42 and 44 read on this species.

With regard to a binding pair, the biotin/streptavidin pair is elected. This pair is mentioned throughout the specification (see, e.g., p. 15, lines 4-5 and FIG. 1). Claims 1-9, 11-16, 18, 22-42 and 44 read on this species.

2. Species of compound. A specific chemical structure is required. In response, the dye Dansyl-X, succinimidyl ester is elected (see, e.g., page 86, lines 22-25).



Claims 1-44 read on this species.

3. Species of nucleic acid tag. A specific chemical structure is required. In response, the isothermal tag shown in FIG. 12 is elected. The sequence for this tag is:

Application No. 09/675,525  
Amendment dated March 17, 2003  
Reply to Office Action of January 16, 2003

WSSSWWSWWSWWSWWSWSSS, where S=G/C and W=A/T. If more specificity is required, then the sequence AGGGAAGAAGAGAAAGAAGGG is elected. Claims 1-44 read on this species.

4. Species of replicable genetic package: In response, non-filamentous icosahedral T7 phage is elected (see, e.g., page 19, lines 26-27). Claims 1-3 and 5-44 read on this species.

So claims 1-3, 5-9, 11-12, 22-42 and 44 read on all of the elected species collectively.

In making these species elections, it is Applicants' understanding that the Office will follow the procedure set forth in MPEP §809.02(c), which provides for a complete action on the merits of all claims readable on the elected species, and in MPEP §803.02, whereby upon the finding of allowable species, examination will continue with the non-elected species until all species have been examined or a non-allowable species is found.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Scott L. Ausenhus  
Reg. No. 42,271

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
SLA:sla  
DE 7098277 v1